

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE RAMIREZ,
Petitioner,
v.
PAUL THOMPSON, *et al.*,
Respondents.

Case No. 2:21-cr-01837-JDP (HC)

ORDER REQUIRING RESPONDENT TO
RESPOND TO THE PETITION FOR WRIT
OF HABEAS CORPUS AND SETTING
BRIEFING SCHEDULE

ECF No. 1

Jesse Ramirez, a federal prisoner, has filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 and argues that he is entitled to an earlier release date based on accumulation of credits under the First Step Act. ECF No. 1 at 1. Under Rule 4 of the Rules Governing Section 2254 Cases, I must examine the habeas corpus petition and order a response to the petition unless it “plainly appears” that the petitioner is not entitled to relief.¹ It does not plainly appear that petitioner is not entitled to relief. Therefore, I order the government to respond to the petition and set a briefing schedule.

¹ This rule can be applied to petitions brought under § 2241. *See* Rule 1(b) of the Rules Governing § 2254 Cases.

1 It is ORDERED that:

2 1. Within sixty days of the date of service of this order, the respondent must file a
3 response to the petition.

4 2. A response may be one of the following:

5 A. An answer addressing the merits of the petition. Any argument by the
6 respondent that petitioner has procedurally defaulted a claim must be raised in the answer,
7 which must also address the merits of petitioner's claims.

8 B. A motion to dismiss the petition.

9 3. Within sixty days of the date of service of this order, respondent must file all
10 transcripts and other documents necessary for resolving the issues presented in the petition.

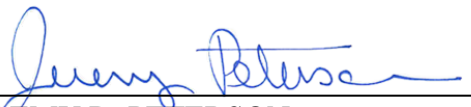
11 4. If respondent files an answer to the petition, petitioner may file a traverse within
12 thirty days of the date of service of respondent's answer. If no traverse is filed within thirty days,
13 the petition and answer are deemed submitted.

14 5. If respondent moves to dismiss, petitioner must file an opposition or statement of
15 non-opposition within twenty-one days of the date of service of respondent's motion. Any reply
16 to an opposition to the motion to dismiss must be filed within seven days after the opposition is
17 served. The motion to dismiss will be considered submitted twenty-eight days after the service of
18 the motion or when the reply is filed, whichever comes first. *See* Local Rule 230(l).

19 6. Respondent must complete and return to the court within thirty days a form stating
20 whether respondent consents or declines to consent to the jurisdiction of a United States
21 Magistrate Judge under 28 U.S.C. § 636(c)(1).

22
23 IT IS SO ORDERED.

24 Dated: October 14, 2021

25 
26 JEREMY D. PETERSON
27 UNITED STATES MAGISTRATE JUDGE
28